

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have cancelled claims 2-3, 5-7, 9-10 and 13 without prejudice, and amended claims 1, 8, 11-12 and 14 to further clarify the intended subject matter of the invention. Claims 11 and 12 have been amended to correct their dependency. Support for the amendment to claim 1 can be found, for example, in Fig. 4 and the related portions thereon in the specification. Claims 8 and 14 have been amended into independent format, incorporating the pertinent elements of the independent claims on which they previously depended. No new matter has been added.

Applicants note with appreciation the indication of allowable subject matter in claims 8 and 14. As claims 8 and 14 retain the elements cited by the Examiner necessary for the allowability of said claims, Applicants submit that claims 8 and 14, as amended, are allowable over the cited prior art.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

II. The Rejection Of Claims 1-3, 5-7 And 9 Under 35 U.S.C. § 102

The Examiner has rejected claims 1-3, 5-7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Song et al. (U.S. 6,347,103). As claims 2-3, 5-7 and 9 have been cancelled, the rejection of these claims is now moot. Applicants respectfully submit that Song fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, claim 1 recites a semiconductor laser device comprising: a substrate having a plurality of recessed portions in its principal surface, and a plurality of semiconductor laser chips each disposed in one of the recessed portions, wherein the semiconductor laser chips are a facet-emitting type in which a laser beam is emitted from a facet, plan configurations of the semiconductor laser chips and the recessed portions are asymmetrical, the recessed portions are formed so that the respective emission directions of the semiconductor laser chips are aligned with each other and are substantially parallel to each other with a distance therebetween, and a notch, through which a laser-emitting portion of an associated one of the semiconductor laser chips is exposed, is formed in the substrate to face the laser-emitting portion.

The features of the present invention reside in that the plan configurations of the semiconductor laser chips and the recessed portions are asymmetrical, and that the recessed portions are formed so that the respective emission directions of the semiconductor laser chips are aligned with each other and are substantially parallel to each other with a distance therebetween.

In contrast to the present invention, Song discloses that the semiconductor laser chips and the recessed portions have quadrate plan configurations which result in symmetrical plan configurations (see, for example, any of Figs. 2A-2C, 3A-3C, 4A-4B or 7A). Furthermore, Song discloses that the recessed portions are arranged in a substantially straight line such that the emission directions of the laser beam emitted from the semiconductor laser chips face each other (see, for example, Figs. 2A, 3A or 4A). As such, Song fails to disclose a semiconductor laser device wherein the plan configurations of the semiconductor laser chips and the recessed portions are asymmetrical, and the recessed portions are formed so that the respective emission directions

of the semiconductor laser chips are aligned with each other and are substantially parallel to each other with a distance therebetween.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Song does not disclose or suggest a semiconductor laser device wherein the plan configurations of the semiconductor laser chips and the recessed portions are asymmetrical, and the recessed portions are formed so that the respective emission directions of the semiconductor laser chips are aligned with each other and are substantially parallel to each other with a distance therebetween, it is clear that Song does not anticipate of claim 1, or any claim dependent thereon.

IV. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

V. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/629,670

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
Date: February 22, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**